

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHNATHAN C. RODRIGUEZ,
Plaintiff,
v.
RALPH DIAZ, et al.,
Defendants.

No. 2:20-cv-1650 AC P

ORDER

Plaintiff, a state prisoner proceeding pro se, seeks relief pursuant to 42 U.S.C. § 1983. The complaint in this case was originally filed in this court on February 26, 2020. ECF No. 1. It was subsequently transferred to the United States District Court for the Central District of California on the ground that venue was not proper in this district because “the defendants are located in and the claims arose in the County of Riverside.” ECF No. 4.

After the case was transferred, the complaint was screened by a magistrate judge in the Central District of California and dismissed with leave to amend. ECF No. 7. Plaintiff did not file an amended complaint and instead proceeded to file objections to the transfer of this action on the ground that venue was proper in the Eastern District of California because defendant Diaz is located in Sacramento, which lies within this court’s jurisdiction, and requested that the action be transferred back to this court. ECF No. 11. A district judge in the Central District of California found that because one defendant appeared to reside in the Eastern District of California, venue

1 was also appropriate in this court. ECF No. 14 at 3. As a result, he found that the transfer was
2 not appropriate because plaintiff had not been given notice and an opportunity to address the issue
3 prior to the transfer and granted the request to transfer the case back to the Eastern District. Id.

4 The court is required to screen complaints brought by prisoners seeking relief against a
5 governmental entity or officer or employee of a governmental entity. 28 U.S.C. § 1915A(a).
6 However, the complaint in this case has already undergone a comprehensive screening by a
7 magistrate judge in the Central District of California, ECF No. 10, and the undersigned finds that
8 for the reasons set forth in the April 13, 2020 Screening Order, which is incorporated herein by
9 reference, the complaint fails to state a claim for relief and plaintiff will be given an opportunity
10 to file an amended complaint.

11 In accordance with the above, IT IS HEREBY ORDERED that:

12 1. For the reasons set forth in the April 13, 2020 Screening Order (ECF No. 10),
13 plaintiff's complaint fails to state a claim upon which relief may be granted, see 28 U.S.C.
14 § 1915A, and will not be served.

15 2. Within thirty days from the date of service of this order, plaintiff may file an amended
16 complaint that complies with the requirements of the Civil Rights Act, the Federal Rules of Civil
17 Procedure, and the Local Rules of Practice. The amended complaint must bear the docket
18 number assigned this case and must be labeled "First Amended Complaint." Plaintiff must file an
19 original and two copies of the amended complaint. Failure to file an amended complaint in
20 accordance with this order will result in a recommendation that this action be dismissed.

21 3. The Clerk of the Court is directed to send plaintiff a copy of the prisoner complaint
22 form used in this district and a copy of the April 13, 2020 Screening Order (ECF No. 10).

23 DATED: July 19, 2021

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25 ALLISON CLAIRE
26 UNITED STATES MAGISTRATE JUDGE
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